

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1013 be amended to read as follows:

- 1 Page 2, line 3, delete "building" and insert "**health**".
- 2 Page 2, line 16, delete "of the lease." and insert "**a rental**
- 3 **agreement is entered into. A tenant shall also comply with**
- 4 **amended rules and regulations as provided in the rental**
- 5 **agreement.**".
- 6 Page 2, between lines 16 and 17, begin a new line blocked left and
- 7 insert:
- 8 **"This section may not be construed to limit a landlord's obligations**
- 9 **under IC 32-7-11."**
- 10 Page 2, line 23, delete "A" and insert "**Except as provided in**
- 11 **subsection (c), a**".
- 12 Page 2, line 24, delete "following conditions are met:" and insert
- 13 **"landlord gives the tenant notice of the tenant's noncompliance**
- 14 **with a provision of this chapter, and the tenant has been given a**
- 15 **reasonable amount of time to remedy the noncompliance."**
- 16 Page 2, delete lines 25 through 33, begin a new paragraph and
- 17 insert:
- 18 **"(c) If the noncompliance has caused physical damage that the**
- 19 **landlord has repaired, the landlord shall give notice specifying the**
- 20 **repairs that the landlord has made and documenting the landlord's**
- 21 **cost to remedy the condition described in the notice.**
- 22 **(d) A landlord is not required to comply with the notice**
- 23 **requirements of this section to bring an action under subsection (a)**
- 24 **if the tenant's occupancy of the rental premises has terminated."**
- 25 Page 2, delete lines 34 through 38.
- 26 Page 2, line 39, delete "(d)" and insert "**(e)**".
- 27 Page 2, line 39, after "landlord's" insert "**or tenant's**".
- 28 Page 2, line 40, after "under" insert "**IC 32-7-5, IC 32-7-8, or**".
- 29 Page 2, line 41, delete "(e)" and insert "**(f)**".
- 30 Page 3, delete lines 7 through 10.
- 31 Page 3, delete lines 28 through 31.

- 1 Page 3, line 32, delete "6." and insert "5."
- 2 Page 3, line 33, delete "Comply with all building and housing codes
- 3 applicable to" and insert "**Deliver the rental premises to a tenant in**
- 4 **compliance with the rental agreement, and in a safe, clean, and**
- 5 **habitable condition.**".
- 6 Page 3, delete line 34.
- 7 Page 3, line 35, delete "Make all reasonable efforts to keep common
- 8 areas of a" and insert "**Comply with all health and housing codes**
- 9 **applicable to the rental premises.**".
- 10 Page 3, delete line 36.
- 11 Page 3, line 37, delete "Deliver the rental premises to a tenant in a
- 12 safe, clean, and" and insert "**Make all reasonable efforts to keep**
- 13 **common areas of a rental premises in a clean and proper**
- 14 **condition.**".
- 15 Page 3, delete line 38.
- 16 Page 3, line 40, delete "order and".
- 17 Page 3, line 41, delete "of the execution of the" and insert "**the**
- 18 **rental agreement is entered into:**".
- 19 Page 3, delete line 42.
- 20 Page 4, line 4, delete "However, this clause does not apply if the
- 21 rental unit".
- 22 Page 4, delete lines 5 through 8.
- 23 Page 4, line 14, delete "Facilities and appliances" and insert
- 24 "**Appliances**".
- 25 Page 4, line 17, delete "7." and insert "6."
- 26 Page 4, line 33, after "under" insert "**IC 32-7-5, IC 32-7-8, or**".
- 27 Page 4, line 38, delete "." and insert "**and consequential damages.**".
- 28 Page 4, between lines 41 and 42, begin a new paragraph and insert:
- 29 "**(e) A landlord is not liable for damages under subsection (d)**
- 30 **until:**
- 31 **(1) the landlord has notice of noncompliance; and**
- 32 **(2) the landlord has:**
- 33 **(A) refused to remedy the noncompliance; or**
- 34 **(B) failed to remedy the noncompliance within a**
- 35 **reasonable amount of time following the notice;**

1 **whichever occurs first."**

2 Page 4, delete line 42.

3 Delete page 5.

(Reference is to EHB 1013 as printed February 22, 2002.)

Senator BRAY